

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WESTERNGECO L.L.C.,)
)
)
)
Plaintiff,)
)
)
v.) Civil Action No. 4:09-CV-01827
)
)
ION GEOPHYSICAL CORPORATION,)
FUGRO-GEOTEAM, INC., FUGRO-GEOTEAM AS,)
FUGRO NORWAY MARINE SERVICES AS,)
FUGRO, INC., FUGRO (USA), INC.)
and FUGRO GEOSERVICES, INC.,)
)
Defendants.)
)

VERDICT

I. **Infringement**

A. **Infringement Under § 271(a): Fugro-Geoteam's Sales and/or Offers for Sale**

1. Has WesternGeco proven it is more probable than not that Fugro-Geoteam has made sales and/or offers for sale that infringe any claim of the '520 patent, the '967 patent, and/or the '607 patent under § 271(a)?

"Yes" is a finding for WesternGeco; "No" is a finding for ION and Fugro-Geoteam

Yes _____ No _____

If you answered YES, please complete the table in Section I.A.2 (below).

If you answered NO, please continue to Section I.B on page 3.

2. Indicate which claim or claims are infringed in the chart below by placing a mark in the appropriate box(es):

Patent	Claim	Fugro-Geoteam Infringes
'520 patent	Claim 1	
'520 patent	Claim 2	
'520 patent	Claim 6	
'967 patent	Claim 1	
'607 patent	Claim 1	

B. Infringement Under § 271(f)(1): ION and/or Fugro-Geoteam's Supply of or Causing to be Supplied of a Substantial Portion of Components Outside the U.S.

1. The Court has already found that Defendants infringe claim 18 of the '520 patent under § 271(f)(1). Has WesternGeco proven it is more probable than not that ION and/or Fugro-Geoteam have supplied or caused to be supplied all or a substantial portion of components of any other claim of the '520 patent, and/or any claim of the '967 patent, the '607 patent, and/or the '038 patent under § 271(f)(1)?

"Yes" is a finding for WesternGeco; "No" is a finding for ION and Fugro-Geoteam

Yes_____ No_____

If you answered YES, please complete the table in Section I.B.2 (below).

If you answered NO, please continue to Section I.C on page 4.

2. Indicate which claim or claims are infringed and whether ION, Fugro-Geoteam, or both infringe in the chart below by placing a mark in the appropriate box:

Patent	Claim	ION Infringes	Fugro-Geoteam Infringes
'520 patent	Claim 18	X	X
'520 patent	Claim 19		
'520 patent	Claim 23		
'967 patent	Claim 15		
'607 patent	Claim 15		
'038 patent	Claim 14		

C. Infringement Under § 271(f)(2): ION and/or Fugro-Geoteam's Supply of or Causing to be Supplied a Component Especially Made or Adapted for Use in the Patented Invention Outside the U.S.

1. Has WesternGeco proven it is more probable than not that ION and/or Fugro-Geoteam have supplied or caused to be supplied any component of any claim of the '520 patent, the '967 patent, the '607 patent, and/or the '038 patent under § 271(f)(2)?

“Yes” is a finding for WesternGeco; “No” is a finding for ION and Fugro-Geoteam

Yes_____ No_____

If you answered YES, please complete the table in Section I.C.2 (below).

If you answered NO, please continue to Section II on page 5.

2. Indicate which claim or claims are infringed and whether ION, Fugro-Geoteam, or both infringe in the chart below by placing a mark in the appropriate box:

Patent	Claim	ION Infringes	Fugro-Geoteam Infringes
'520 patent	Claim 18		
'520 patent	Claim 19		
'520 patent	Claim 23		
'967 patent	Claim 15		
'607 patent	Claim 15		
'038 patent	Claim 14		

II. Willful Infringement

- A. Has WesternGeco proven by clear and convincing evidence that ION and/or Fugro-Geoteam actually knew, or it was so obvious that ION and/or Fugro-Geoteam should have known, that its actions constituted infringement of a valid patent?

“Yes” is a finding for WesternGeco; “No” is a finding for ION or Fugro-Geoteam

For ION: Yes _____ No _____

For Fugro-Geoteam: Yes _____ No _____

III. Validity¹

- A. Have ION and Fugro-Geoteam proven by clear and convincing evidence that the any claim of the '520 patent, the '967 patent, the '607 patent, or the '038 patent are invalid?

"Yes" is a finding for ION and Fugro-Geoteam; "No" is a finding for WesternGeco

Yes_____ No_____

If you answered YES, please continue to Section III.B. on page 7

If you answered NO, please continue to Section IV on page 21.

¹ Because Defendants have disclosed neither the extent of the invalidity defenses nor the prior art on which they will rely, WesternGeco reserves the right to amend the Validity section of its jury verdict to reflect the defenses and prior art actually presented.

B. Validity of the '520 Patent

1. Have ION and Fugro-Geoteam proven by clear and convincing evidence that any claim of the '520 patent is invalid?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Yes____ No_____

If you answered YES, please continue to Section III.B.1.a on page 8.

If you answered NO, please continue to Section III.C on page 12.

a. Anticipation of the '520 patent

- i. Did Defendants prove by clear and convincing evidence that U.S. Patent No. 5,790,472 (“Workman Patent”) anticipates any of the following claims of the '520 patent?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes	No
Claim 1 of the '520 patent		
Claim 18 of the '520 patent		

b. Obviousness of the '520 patent

- i. Did Defendants prove by clear and convincing evidence that the combination of U.S. Patent No. 5,790,472 (“Workman Patent”) and U.S. Patent No. 4,890,568 (“Dolengowski Patent”) renders any of the following claims of the '520 patent obvious?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes	No
Claim 1 of the '520 patent		
Claim 18 of the '520 patent		

c. **Enablement of the '520 Patent**

- i. Did Defendants prove by clear and convincing evidence any of the following claims of the '520 patent are *not* enabled?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes (Not Enabled)	No (Enabled)
Claim 1 of the '520 patent		
Claim 2 of the '520 patent		
Claim 6 of the '520 patent		
Claim 18 of the '520 patent		
Claim 19 of the '520 patent		
Claim 23 of the '520 patent		

d. Written Description of the '520 Patent

- i. Did Defendants prove by clear and convincing evidence any of the following claims of the '520 patent do ***not satisfy*** the written description requirement?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes (Does Not Satisfy Written Description)	No (Satisfies Written Description)
Claim 1 of the '520 patent		
Claim 2 of the '520 patent		
Claim 6 of the '520 patent		
Claim 18 of the '520 patent		
Claim 19 of the '520 patent		
Claim 23 of the '520 patent		

e. Best Mode of the '520 Patent

- i. Did Defendants prove by clear and convincing evidence that any of the inventors did *not* disclose the best mode for any of the following claims of the '520 patent?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes (Failed to Disclose the Best Mode)	No (Discloses Best Mode)
Claim 1 of the '520 patent		
Claim 2 of the '520 patent		
Claim 6 of the '520 patent		
Claim 18 of the '520 patent		
Claim 19 of the '520 patent		
Claim 23 of the '520 patent		

C. Validity of the '967 Patent

1. Have ION and Fugro-Geoteam proven by clear and convincing evidence that any claim of the '967 patent is invalid?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Yes_____ No_____

If you answered YES, please continue to Section III.C.1.a on page 12.

If you answered NO, please continue to Section III.D on page 15.

a. Obviousness of the '967 Patent

- i. Did Defendants prove by clear and convincing evidence that the combination of U.S. Patent No. 5,790,472 (“Workman Patent”) and International Application WO 98/28636 (“636 Patent Publication”) any of the following claims of the '967 patent obvious?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes	No
Claim 1 of the '967 patent		
Claim 15 of the '967 patent		

b. Enablement of the '967 Patent

- i. Did Defendants prove by clear and convincing evidence that any of the following claims of the '967 patent is *not* enabled?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes (Not Enabled)	No (Enabled)
Claim 1 of the '967 patent		
Claim 15 of the '967 patent		

c. Written Description of the '967 Patent

- i. Did Defendants prove by clear and convincing evidence that any of the following claims of the '967 patent does ***not satisfy*** the written description requirement?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes (Does Not Satisfy Written Description)	No (Satisfies Written Description)
Claim 1 of the '967 patent		
Claim 15 of the '967 patent		

d. Best Mode of the '967 Patent

- i. Did Defendants prove by clear and convincing evidence that any of the inventors did ***not*** disclose the best mode for any of the following claims claim of the '967 patent?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes (Fails to Disclose Best Mode)	No (Discloses Best Mode)
Claim 1 of the '967 patent		
Claim 15 of the '967 patent		

D. Validity of the '607 Patent

1. Have ION and Fugro-Geoteam proven by clear and convincing evidence that any claim of the '607 patent is invalid?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Yes____ No_____

If you answered YES, please continue to Section III.D.1.a on page 16.

If you answered NO, please continue to Section III.E on page 18:

a. Anticipation of the '607 Patent

- i. Did Defendants prove by clear and convincing evidence that U.S. Patent No. 5,790,472 (the “Workman Patent”) anticipates any of the following claims of the '607 patent?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes	No
Claim 1 of the '607 patent		
Claim 15 of the '607 patent		

b. Obviousness of the '607 Patent

- i. Did Defendants prove by clear and convincing evidence that the combination of U.S. Patent No. 5,790,472 (referred to as the “Workman Patent”) and International Application WO 98/28636 (referred to as the “'636 Patent Publication”) renders any claim of the '607 patent obvious?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes	No
Claim 1 of the '607 patent		
Claim 15 of the '607 patent		

c. Enablement of the '607 Patent

- i. Did Defendants prove by clear and convincing evidence that any of the following claims of the '607 patent are *not* enabled?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes (Not Enabled)	No (Enabled)
Claim 1 of the '607 patent		
Claim 15 of the '607 patent		

d. Written Description of the '607 Patent

- i. Did Defendants prove by clear and convincing evidence any of the following claims of the '607 patent do *not* satisfy the written description requirement?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes (Does Not Satisfy Written Description)	No (Satisfies Written Description)
Claim 1 of the '607 patent		
Claim 15 of the '607 patent		

e. Best Mode of the '607 Patent

- i. Did Defendants prove by clear and convincing evidence that any of the inventors did *not* disclose the best mode for any of the following claims of the '607 patent?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes (Fails to Disclose the Best Mode)	No (Discloses Best Mode)
Claim 1 of the '607 patent		
Claim 15 of the '607 patent		

E. Validity of the '038 Patent

1. Have ION and Fugro-Geoteam proven by clear and convincing evidence that claim 14 of the '038 patent is invalid?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Yes____ No_____

If you answered YES, please continue to Section III.E.1.a on page 19.

If you answered NO, please continue to Section IV on page 21.

a. Anticipation of the '038 Patent

- i. Did Defendants prove by clear and convincing evidence that International Application WO 00/20895 (“Hillesund '895 Application) anticipates Claim 14 of the '038 patent?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes	No
Claim 14 of the '038 patent		

b. Obviousness of the '038 Patent

- i. Did Defendants prove by clear and convincing evidence that International Application WO 00/20895 (“Hillesund '895 Application) renders Claim 14 of the '038 patent obvious?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes	No
Claim 14 of the '038 patent		

c. Enablement of the '038 Patent

- i. Did Defendants prove by clear and convincing evidence that Claim 14 of the '038 patent is **not** enabled?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes (Not Enabled)	No (Enabled)
Claim 14 of the '038 patent		

d. Written Description of the '038 Patent

- i. Did Defendants prove by clear and convincing evidence that Claim 14 of the '038 patent does *not satisfy* the written description requirement?

“Yes” is a finding for ION and Fugro-Geoteam; “No” is a finding for WesternGeco

Claim	Yes (Does Not Satisfy Written Description)	No (Satisfies Written Description)
Claim 14 of the '038 patent		

IV. Damages

If *any* claim is infringed and not invalid, what damages do you find WesternGeco has proven it is more probable than not that it has suffered as a result of that infringement?

A. Lost Profits

Lost Profits attributable to ION's and Fugro-Geoteam's actions together _____

Lost Profits attributable to ION's actions alone _____

B. Reasonable Royalty

Reasonable Royalty attributable to ION _____

Reasonable Royalty attributable to Fugro-Geoteam _____

For the Jury:

By: _____
Foreperson

Date: _____